

**PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q91067

Rena NISHIZAWA, et al.

Appln. No.: 10/554,096

Group Art Unit: Unknown

Confirmation No.: 1876

Examiner: Unknown

Filed: October 21, 2005

For: NITROGEN-CONTAINING HETEROCYCLIC COMPOUNDS AND USE THEREOF

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

MAIL STOP PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)," Applicant, respectfully, advises that, contrary to what is stated in the Notification, a copy of the executed Declaration and Power of Attorney, identifying the application by the international application number and international filing date, was filed on October 21, 2005 along with the application. In support of this claim, Applicant notes that included in the electronic file wrapper maintained by the U.S. PTO (private PAIR) is a copy of the Declaration and Power of Attorney. The document is entitled "Oath or Declaration filed", and it is dated October 21, 2005, in the electronic file wrapper.

Further, included on the Notification was a statement that there was an error in the computer readable form copy of the Sequence Listing. The statement indicated that the errors were shown on the marked-up "Raw Sequence Listing" included with the Notification. However, a "Raw Sequence Listing"

Response to Notification of Missing Requirements
U.S. Application No. 10/554,096

was not included with the Notification. Therefore, Applicant obtained a copy of the "Raw Sequence Listing" from the U.S. PTO website. As can be seen from the enclosed copy of the "Raw Sequence Listing" obtained by Applicant, no errors were detected in the Sequence Listing by the STIC. The "Raw Sequence Listing" further notes that the Sequence Listing was entered. In view of the entry of the Sequence Listing, and the absence of any errors in the Sequence Listing, Applicants have satisfied the requirements under 37 C.F.R. §§1.821-1.825.

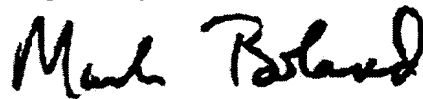
Accordingly, applicant believes that this Notification was issued erroneously. No further response to the outstanding Notification of Missing Requirements is necessary.

In view of this, Applicant respectfully requests the Office to rescind the "Notification of Missing Requirements" mailed September 5, 2006 for the above-identified application.

Also, a copy of the Notification mailed on September 5, 2006 is attached herewith.

No fee is believed to be necessary; however, if necessary, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Mark Boland
Registration No. 32,197

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: January 5, 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/554,096	Rena Nishizawa	Q91067

23373
 SUGHRUE MION, PLLC
 2100 PENNSYLVANIA AVENUE, N.W.
 SUITE 800
 WASHINGTON, DC 20037

INTERNATIONAL APPLICATION NO.	
PCT/JP04/05610	
LA. FILING DATE	PRIORITY DATE
04/20/2004	04/21/2003

DOCKETED

SEP - 7 2006

CONFIRMATION NO. 1876**371 FORMALITIES LETTER**

OC000000020298144

Date Mailed: 09/05/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/21/2005
- English Translation of the IA filed on 10/21/2005
- Copy of the International Search Report filed on 10/21/2005
- Preliminary Amendments filed on 10/21/2005
- Information Disclosure Statements filed on 10/21/2005
- Biochemical Sequence Diskette filed on 10/21/2005
- Biochemical Sequence Listing filed on 10/21/2005
- Request for Immediate Examination filed on 10/21/2005
- U.S. Basic National Fees filed on 10/21/2005
- Priority Documents filed on 10/21/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- **\$130 Surcharge.**

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ ebc@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/554,096	PCT/JP04/05610	Q91067